

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to

*All Cases*

**DECLARATION OF M. JOSEPH  
WINEBRENNER IN SUPPORT OF  
DEFENDANTS' MOTION TO  
EXCLUDE PLAINTIFFS' EXPERT  
DR. YADIN DAVID**

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I, M. Joseph Winebrenner, declare as follows:

1. I am an attorney at Faegre Baker Daniels LLP, and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively "Defendants") in this litigation. I submit this Declaration in support of Defendants' Motion to Exclude Plaintiffs' Expert Dr. Yadin David. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as **Exhibit 1** are true and correct copies of the cover pages to Exhibits 6, 7, 8, 9, 10, and 11 to the August 1, 2017, deposition of Dr. Yadin David, which contain indexes of the materials reviewed by Dr. David in forming his opinions.

3. Attached as **Exhibit 2** are true and correct copies of excerpts of the deposition testimony of Yadin David, taken in this action on August 1, 2017.

4. Attached as **Exhibit 3** is a true and correct copy of the June 2, 2017 expert report of Timothy Ulatowski.

5. Attached as **Exhibit 4** is a true and correct copy of the August 30, 2017 FDA Safety Alert, entitled “Forced Air Thermal Regulating Systems: Healthcare Provider Letter – Information About Use.”

6. Attached as **Exhibit 5** is a true and correct copy of the April 2013 ECRI Institute article, entitled “Forced-Air Warming and Surgical Site Infections: Our Review Finds Insufficient Evidence to Support Changes in Current Practice.”

7. Attached as **Exhibit 6** is a true and correct copy of the September 28, 2015 expert report of Dr. Yadin David, as disclosed in *Walton v. 3M*, Case No. 4:13-cv-01164 (S.D. Tex.).

8. Attached as **Exhibit 7** is a true and correct copy of a 1996 article from the New England Journal of Medicine entitled, “Perioperative Normothermia to Reduce the Incidence of Surgical-Wound Infection and Shorten Hospitalization,” by Kurz, et al.

9. Attached as **Exhibit 8** are true and correct copies of excerpts of the deposition testimony of Karl Zgoda, taken in this action on February 24, 2017.

10. Attached as **Exhibit 9** are true and correct copies of excerpts of the deposition testimony of Winston Tan, taken in this action on March 17, 2017.

11. Attached as **Exhibit 10** is a true and correct copy of a 2017 article abstract by Curtis, et al., entitled “HEPA Filters Do Not Affect Infection Rates following Primary Total Joint Arthroplasty with Forced Air Warmers.”

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 12, 2017

*s/ M. Joseph Winebrenner*

M. Joseph Winebrenner